

ATTORNEY DOCKET NO. 02181.0087U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
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Cook) Art Unit: 4121
)
Application No. 10/564,494) Examiner: Shomer, Isaac
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)
Filing Date: June 27, 2006) Confirmation No. 9161
)
For: METHOD FOR THE PREPARATION OF)
CONTROLLED RELEASE FORMULATIONS)

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR ANDREWS &
INGERSOLL, LLP
Customer No. 23859

April 7, 2009

Sir:

Pursuant to the requirements of 37 C.F.R. § 1.56, submitted herewith on the accompanying Information Disclosure Statement List is a listing of documents known to Applicants and/or their attorneys. In accordance with 37 C.F.R. § 1.98(a)(2), copies of any cited U.S. patent or U.S. patent application publication documents are not enclosed. Copies of any cited foreign patent document and/or any non-patent publication are enclosed.

In accordance with the provisions of M.P.E.P. § 2001.06(b) and 37 C.F.R. § 1.98(b)(3), Applicants would like to bring to the attention of the Examiner the existence of the co-pending patent application(s) identified below, which were filed in the United States Patent and Trademark Office:

ATTORNEY DOCKET NO. 02181.0087U2
Application No. 10/564,494

| | <u>Application No.</u> | <u>Date Filed</u> | <u>First Inventor</u> | <u>Attorney Docket No.</u> |
|----|------------------------|-------------------|-----------------------|----------------------------|
| 1. | *10/553,003 | 10/11/2005 | Ziegerson | 02181.0085U2 |
| 2. | *11/799,700 | 5/1/2007 | Ziegerson | 02181.0085U3 |
| 3. | *10/565,401 | 1/20/2006 | Cook | 02181.0086U2 |

The pending application(s) identified with an asterisk (*) are stored in the Image File Wrapper (IFW) system of the USPTO. Accordingly, copies of the cited specification(s), including the claims and drawings thereof, are not enclosed in accordance with the waiver to 37 CFR 1.98(a)(2)(iii) dated September 21, 2004.

Applicants would like to bring to the attention of the Examiner the existence of the non-U.S. patent application(s) identified below.

| | <u>Application No.</u> | <u>Country</u> | <u>Date Filed</u> | <u>First Inventor</u> | <u>Attorney Docket No.</u> |
|-----|------------------------|----------------|-------------------|-----------------------|----------------------------|
| 1. | 2004253853 | AU | 4/12/2004 | Ziegerson | 02181.0085AU1 |
| 2. | PI0409032-2 | BR | 9/23/2005 | Ziegerson | 02181.0085BR1 |
| 3. | 2516107 | CA | 4/12/2004 | Ziegerson | 02181.0085CA1 |
| 4. | 200482228408.8 | CN | 9/27/2005 | Ziegerson | 02181.0085CN1 |
| 5. | 04750117.6 | EPC | 4/12/2004 | Ziegerson | 02181.0085EP1 |
| 6. | 4743/DELNP/2005 | IN | 10/18/2005 | Ziegerson | 02181.0085IN1 |
| 7. | 2006-532408 | JP | 8/30/2005 | Ziegerson | 02181.0085JP1 |
| 8. | PCT/US2004/011485 | PCT | 4/12/2004 | Ziegerson | 02181.0085P1 |
| | | | | | |
| 9. | PI0412211-9 | BR | 1/23/2006 | Cook | 02181.0086BR1 |
| 10. | 2533592 | CA | 7/15/2004 | Cook | 02181.0086CA1 |
| 11. | 200480027243.9 | CN | 3/21/2006 | Cook | 02181.0086CN1 |
| 12. | 04778361.8 | EPC | 7/15/2004 | Cook | 02181.0086EP1 |
| 13. | 957/DELNP/2006 | IN | 2/23/2006 | Cook | 02181.0086IN1 |

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|-----|-------------------|-----|------------|------|---------------|
| 14. | 2006-521134 | JP | 1/20/2006s | Cook | 02181.0086JP1 |
| 15. | PCT/US2004/022817 | PCT | 7/15/2004 | Cook | 02181.0086P1 |
| | | | | | |
| 16. | 2004259208 | AU | 7/15/2004 | Cook | 02181.0087AU1 |
| 17. | PI0412059-0 | BR | 1/12/2006 | Cook | 02181.0087BR1 |
| 18. | 2532302 | CA | 7/15/2004 | Cook | 02181.0087CA1 |
| 19. | 200480026606.7 | CN | 3/15/2006 | Cook | 02181.0087CN1 |
| 20. | 04778360.0 | EP | 7/15/2004 | Cook | 02181.0087EP1 |
| 21. | 706/DELNP/2006 | IN | 2/13/2006 | Cook | 02181.0087IN1 |
| 22. | 2006-520347 | JP | 1/13/2006 | Cook | 02181.0087JP1 |
| 23. | PCT/US2004/022816 | PCT | 7/15/2004 | Cook | 02181.0087P1 |

Pursuant to 37 C.F.R. §1.98(a)(2)(iv), Applicants now submit copies of the enclosed Office Actions, Amendments, Responses, and other correspondence from the prosecution of some or all applications listed above; for which such documents are available. A list of the correspondence is provided in Appendix A.

This Information Disclosure Statement is believed to be filed in a timely manner pursuant to 37 C.F.R. § 1.97(b)(3), in that a first Office Action on the merits of the present patent application has not yet been mailed to Applicants.

Consideration of the cited documents and making the same of record in the prosecution of the above-referenced application are respectfully requested.

No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

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Application No. 10/564,494**

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| CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8 | | | |
|---|--------------------------|------|---------------|
| I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below. | | | |
| Name of Person Mailing (Print/Type) | Christopher L. Curfman | | |
| Signature | /Christopher L. Curfman/ | Date | April 7, 2009 |

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Information Disclosure Statement Appendix A

pursuant to 37 C.F.R. § 1.98(a)(1)-(2) and (b)(3)-(4) for
APPLICATION NO. 10/564,494 (ATTORNEY DOCKET No. 02181.0087U2)

| APPENDIX A LIST OF PROSECUTION DOCUMENTS FROM U.S. PATENT APPLICATIONS | | | | | | |
|---|---------------------------|------------------------|-----------------|--------------------------------|--|-------------------------|
| Cite No. | Attny. Docket No.: | Application No. | Inventor | Application Filing Date | Document | Date of Document |
| 1. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Response to Election / Restriction Filed | 2/9/2009 |
| 2. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Claims | 2/9/2009 |
| 3. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Applicant Arguments/Remarks Made in an Amendment | 2/9/2009 |
| 4. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Requirement for Restriction/Election | 1/12/2009 |
| 5. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Requirement for Restriction/Election | 1/12/2009 |
| 6. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Response to Election / Restriction Filed | 10/21/2008 |
| 7. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Claims | 10/21/2008 |
| 8. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Applicant Arguments/Remarks Made in an Amendment | 10/21/2008 |
| 9. | 02181.0085U3 | 11/799,700 | Ziegerson | 5/1/2007 | Requirement for Restriction/Election | 4/21/2008 |
| 10. | 02181.0086U2 | 10/565,401 | Cook | 1/20/2006 | Preliminary Amendment | 1/20/2006 |

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Information Disclosure Statement Appendix A

pursuant to 37 C.F.R. § 1.98(a)(1)-(2) and (b)(3)-(4) for
APPLICATION NO. 10/564,494 (ATTORNEY DOCKET No. 02181.0087U2)

APPENDIX A

LIST OF PROSECUTION DOCUMENTS FROM FOREIGN PATENT APPLICATIONS

| Cite No. | Attny. Docket No. | Country | Application No. | Application Filing Date | Inventor | Document | Date of Document |
|----------|-------------------|---------|-----------------|-------------------------|----------------------------------|---|------------------|
| 1. | 02181.0085EP1 | EP | 04750117.6 | 4/12/2004 | Ziegerson | Amendments received before examination | 5/1/2006 |
| 2. | 02181.0085EP1 | EP | 04750117.6 | 4/12/2004 | Ziegerson | Amended claims filed after receipt of search report | 5/1/2006 |
| 3. | 02181.0085EP1 | EP | 04750117.6 | 4/12/2004 | Ziegerson | Amended claims filed after receipt of search report | 30/12/2005 |
| 4. | 02181.0086CN1 | CN | 200480027243.9 | 3/21/2006 | Cook | Decision of Rejection | 2/27/2009 |
| 5. | 02181.0086CN1 | CN | 200480027243.9 | 3/21/2006 | Cook | Response to First Office Action | 3/24/2008 |
| 6. | 02181.0086CN1 | CN | 200480027243.9 | 3/21/2006 | Cook | First Office Action | 10/19/2007 |
| 7. | 02181.0086IN1 | IN | 957/DELNP/2006 | 2/23/2006 | Cook | Examination Report | 04/2008 |
| 8. | 02181.0087IN1 | IN | 706/DELNP/2006 | 2/13/2006 | Brookwood Pharmaceutic als, Inc. | Further response to 1/11/2008 examination report | 1/9/2009 |
| 9. | 02181.0087IN1 | IN | 706/DELNP/2006 | 2/13/2006 | Brookwood Pharmaceutic als, Inc. | Response to 1/11/2008 examination report and amended claims | 1/7/2009 |
| 10. | 02181.0087IN1 | IN | 706/DELNP/2006 | 2/13/2006 | Brookwood Pharmaceutic als, Inc. | Examination Report | 1/11/2008 |